



State of Ohio Environmental Protection Agency

OHIO E.P.A.

DEC 30 2009

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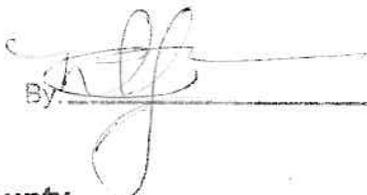
P.O. Box 1049
Columbus, OH 43216-1049

ENTERED DIRECTOR'S JOURNAL

DEC 30 2009

I certify this to be a true and accurate copy of the official documents as filed in the records of the Ohio Environmental Protection Agency.

Noble County Commissioners
Courthouse, #210
Caldwell, Ohio 43724

By:  Date: 12.30.09

**Re: Closed Noble Sanitary Landfill, Noble County
Ohio Administrative Code (OAC) Rule 3745-27-13 Authorization**

Dear Commissioners:

On January 5, 2009, the Ohio Environmental Protection Agency (Ohio EPA), Division of Solid and Infectious Waste Management (DSIWM), Southeast District Office (SEDO), received a request from the Noble County Commissioners for an authorization under Ohio Administrative Code (OAC) Rule 3745-27-13 (Request) for the closed Noble Sanitary Landfill (Facility) in Noble County. The Request was submitted pursuant to OAC Rule 3745-27-13 by the Southeastern Ohio Joint Solid Waste Management District on behalf of the Noble County Commissioners. Revisions to the Request were received on October 16, 2009.

OAC Rule 3745-27-13 requires authorization from the Director of Ohio EPA (Director) before engaging in filling, grading, excavating, building, drilling, or mining on land where a solid waste facility was operated. Specifically, the Noble County Commissioners seek authorization allowing the Noble County Engineer to store road construction and maintenance materials on the Facility.

Based upon a review of the request and subsequent revisions, I have determined, pursuant to OAC Rule 3745-27-13, that the proposed activities will not result in a violation of applicable laws or regulations, will not create a nuisance, and are unlikely to adversely affect the public safety or health or the enforcement. Therefore, the Noble County Commissioners are hereby authorized to perform the activities outlined in this letter in accordance with the submitted and approved plans, specifications, and information.

Ted Strickland, Governor
Lee Fisher, Lieutenant Governor
Chris Korleski, Director

As part of this authorization, the Noble County Commissioners are subject to the following conditions:

CONDITIONS

1. This approval grants authorization to perform activities at the Facility in accordance with the Request, received on January 5, 2009, with revisions received on October 16, 2009, only. All activities shall be conducted in strict accordance with the plans, specifications, and information submitted as part of this request. There may be no deviation from the approved plans without prior written authorization from Ohio EPA. Any future activities at the Facility may require additional Ohio EPA approval.
2. All on-site activities shall be performed in a manner that prevents migration of leachate, explosive gas, or toxic gas from the Facility.
3. All activities undertaken shall not create a nuisance and shall not adversely affect public safety or health or the environment.
4. All on-site activities shall be accomplished in compliance with all applicable state and federal laws and regulations pertaining to environmental protection, including but not limited to the control of air pollution, leachate, surface water run-on and run-off, and protection of ground water.
5. The Noble County Commissioners shall take measures to control fugitive dust and other air emissions that may result from activities authorized by this approval.
6. In accordance with OAC Rule 3745-27-13(M), this authorization shall terminate three years after its effective date if the Noble County Commissioners have not begun the activities authorized herein.
7. The Director may revoke this authorization if the Noble County Commissioners violate, or are likely to violate, any applicable law or if the continued implementation of the approved plans may cause a threat to human health or safety or the environment.

END OF CONDITIONS

Nothing in this letter shall be construed to authorize any waiver from the requirements of any applicable federal or state laws or regulations except as specified herein. This authorization shall not be interpreted to release the Noble County Commissioners or

others from responsibility under Ohio Revised Code (ORC) Chapters 3704, 3714, 3734, or 6111; under the Federal Clean Water Act, the Resource Conservation and Recovery Act, the Toxic Substances Control Act, or the Comprehensive Environmental Response, Compensation, and Liability Act; or from other applicable requirements for remedying conditions resulting from any release of contaminants to the environment.

You are hereby notified that this action of the Director is final and may be appealed to the Environmental Review Appeals Commission (Commission) pursuant to ORC Section 3745.04. The appeal must be in writing and set forth the action complained of and the grounds upon which the appeal is based. The appeal must be filed with the Commission within thirty (30) days after notice of the Director's action. The appeal must be accompanied by a filing fee of \$70.00, which the Commission, in its discretion, may reduce if by affidavit you demonstrate that payment of the full amount of the fee would cause extreme hardship. Notice of the filing of the appeal shall be filed with the Director within three (3) days of filing with the Commission. Ohio EPA requests that a copy of the appeal be served upon the Ohio Attorney General's Office, Environmental Enforcement Section. An appeal may be filed with the Commission at the following address:

Environmental Review Appeals Commission
309 South Fourth Street
Room 222
Columbus, Ohio 43215

If you have any questions concerning this approval, please contact Mark Mansfield of Ohio EPA, Division of Solid and Infectious Waste Management, Southeast District Office at (740) 380-5428.

Sincerely,



Chris Korleski
Director

cc: Shawn Ray, Noble County Health Department
Pete Thompson, DSIWM-SEDO
John Foreman, Noble County Engineer
Robert Reiter, Southeastern Ohio Joint Solid Waste Management District

CK/jg